

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

PAULA M. TUCCI

Plaintiff

Vs.

RAY MABUS, SECRETARY,  
DEPARTMENT OF THE NAVY

Defendant

C.A. No.:

**COMPLAINT**

1. The Plaintiff, PAULA TUCCI, is a resident of the town of Cumberland, County of Providence and State of Rhode Island.
2. At all times relevant hereto, Paula Tucci was and is an employee of the Department of the Navy, employed as a night auditor, desk clerk at the Navy Lodge, Navy Station, Newport, Rhode Island.
3. The Plaintiff, Paula Tucci, suffers disabilities secondary to cerebral palsy.
4. Despite her disabilities, the Plaintiff is able to perform all her job functions and responsibilities with reasonable accommodation.
5. The Defendant breached the Americans with Disabilities Act and the Rehabilitation Act consistently and continuously, and fails continuously to provide the Plaintiff with reasonable access to her place of employment and has failed to provide her with a safe worksite during the course of her employment, particularly secondary to adverse weather conditions, and particularly in reference to snow.
6. The Plaintiff did initially file complaints with the Equal Employment Opportunity Commission and in May, 2012, reached a settlement agreement with the Department of the Navy. By and according to the terms of the settlement agreement, it became the responsibility of the Defendant to put into place written snow removal procedures for the walkways and entrances to the Navy Lodge, Newport, Rhode Island, to establish a schedule to review the procedures with the Navy Lodge staff annually, to provide walk-off mats to provide a safe walking area during

wet conditions when weather may be tracked into the lodge and to adhere to the snow removal procedures as outlined by the agency.

7. Since institution of the settlement agreement, the agency has refused to abide by the terms and conditions of the agreement, has not adhered to snow removal policies, has inflicted upon the Plaintiff grave and severe emotional distress and humiliation, has caused the Plaintiff to suffer a loss of earnings and earning capacity, has suggested that the Plaintiff illegally park at the lodge, has continuously failed to make the lodge accessible to the Plaintiff and other persons with the same or similar disability, and has in general willfully breached the terms and conditions of the settlement agreement.
8. As a direct and proximate result of the Defendant's breach of the settlement agreement, the Plaintiff has suffered a loss of earnings and earning capacity, severe humiliation and emotional distress and has been otherwise greatly damnified.

WHEREFORE, the Plaintiff demands judgment against the Defendant in a sum sufficient to compensate her fully for any and all injuries and losses flowing from the Defendant's actions and the breach of its settlement agreement together with costs and a reasonable attorney's fee.

The Plaintiff,  
Paula M. Tucci  
By his Attorney,

/s/ Bernard P. Healy

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The Plaintiff hereby claims a trial by jury.

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